

1894-035 Chancery Causes: Adm. of Eveline Marion vs. Adm. of John Young & Lee Co.

Flanary, Zion

CA-Contract Dispute
T-Property

-Deed

To the Honorable W.T. Miller, Judge of the Circuit court Lee county, Virginia:-

Humbly complaining your orator, C.E. Flanary, administrator of the estate of ~~Eveline~~ ^{Eveline} Marion, deceased, would respectfully represent and show unto your Honor, that on the 5th day of February, 1881, Geo. W. Young was seized and possessed of a certain valuable tract or parcel of land, lying and being in said county in Yokum Station, and containing 125 acres more or less, and on said day he and his wife Elizabeth Young, executed and delivered to their son John Young, a proper deed conveying to him the said tract of land upon condition, among other things, that the said John Young should pay to their daughter, the said ~~Eveline~~ ^{Eveline} Marion, the sum of two hundred dollars, after the death of the said Geo. W. Young and Elizabeth Young, and to secure the payment thereof the said grantors retained in said deed the vendors lien on said land, and the said John Young went into the immediate possession of the said land, and used and occupied the same until on the day of he departed this life intestate leaving a widow, Susan M. Young and two children, Dora and Rosco Young, his widow and heirs at law, who are in possession of said land, and to whom the same descended, and on the day of James M. Zion was duly appointed his administrator by the county court of said county; and on the day of ^{Feb} 1891, the said Eveline Marion departed this life intestate, and on the day of September 1894, her estate was, by an order of said court, committed to your orator as sheriff to be administered: and on the 13th day of February 1890 the said Elizabeth Young departed this life, and on the 25th day of July 1893 the said Geo. W. Young also died. Now Your orator will further represent and show unto your Honor that the said John Young failed to pay any part of said \$200.00 during his lifetime, and his said administrator has failed to pay any part thereof since his appointment and qualification as such, and the same long since became due, according to the terms and conditions of the said deed, and remains wholly unpaid, and your orator is advised that he has the right to

he has the right to enforce the payment thereof against said tract of land. A copy of said deed is herewith filed as part hereof marked "Deed". The object of this bill, therefore is, to obtain a decree for the said sum of \$200.00 and interest thereon from the 26th day of July, 1893, until paid, and ~~for~~ for the sale of the said tract of land, or sufficiency thereof to pay the said sum of two hundred dollars and interest thereon as aforesaid, together with the costs of this suit and the expense of sale, free from any claim of dower by the said widow. To this end your orator prays that the said Jas. M. Ziona administrator of the estate of the said John Young, deceased, and the said Susan M. Young, his widow and the said Dora Young and Rosco Young his children and heirs at law, be made parties defendants to this bill, and that the said Ziona administrator as aforesaid, and the said Susan M. Young be required to answer the same, but not on oath, that being waived, and that a guardian ad litem be appointed and answer for the said Dora Young and Rosco Young, who are infants under the age of 21 years, and on a hearing the relief above prayed for be granted, and such other further and general relief as your orators may be entitled to receive.

May spa issue, &c. And your orator will ever pray.

On Behalf of & Esq.
P. G.

2.91
2.00 paid
atty 15.00
GAS 5.00 paid
Tax 1.00
Estimated 2.00
\$27.91

C. E. Flanory, Admin, &c.

vs. } Bill

Jos. M. Zion, Admin, et al

Orr, Blankenship & Ewing

1894 1st October rules &
Bill filed sums 24.00
+ Decree nisi
" 2nd October rules D. K.
Confirmed & cause set
for hearing by Plff

Orr, Blankenship & Ewing
P. 2

Virginia: In the Circuit Court of Lee County.
C. E. Flanery, Admin^r of Evaline Marion, dec'd,

vs J^r in Chancery

James M. Gior, Admin^r of John Young, dec'd et al

To the Hon. W. S. Miller, Judge of said Court.

The answer of Wm. A. Orr, Jr. Guardian ad
litern for Sora Young and Roscoe Young,
infants, to a bill in Chancery filed in this
Court, against said Hards and others by
C. E. Flanery, Admin^r of the estate of Evaline
Marion, dec'd—

Your respondent, answering
says that he does not admit the allegations
of the Complainant's bill; that he does not
know that they are either true or false;
that he knows nothing of their truth or
falsity of his own knowledge nor has
he any information with reference to them
except the information contained in the
complainant's bill of Complaint.

Your respondent demands that the
Complainant be required to make out
his case according to the strict rules
of law and equity, and having
fully answered he prays to be hence
dismissed with his Costs.

Wm A Orr, Jr.

Guardian ad litern.

Virginia; In the Clerk's Office of the Circuit
Court of Lee County, 1st Oct Ruler, 1894.
I, A. B. Munsey, Clerk of said Court do
Certify that, W^m A. Orr, Guardian ad
litem appeared before me this day in
my Office and made oath that the
foregoing answer is true. Given under
my hand, this the day and date first
above written. A. B. Munsey, Clerk

L. E. Flanery, Adms
vs } Ans - G. A. L.

J. M. Gion, Adm'r & Co
Filed October the 3rd
1894
A. B. Munsey Clk

14
Fru 85 - vs

C. E. Flannery Admr of Euclina Marion decd. Plff
against

In -
Chancery.

J. M. Gion Admr of the Estate of John Young decd. Defd

This cause came on to be heard upon the bill of the plaintiff and exhibit therewith, the process duly executed on the defendants, and the answer of the infant defendants by Wm A Orr their guardian ad litem, and was argued by Counsel. On consideration thereof, and the ^{adult} defendants J. M. Gion, Admr &c, and Susan & Young failing to appear and plead or answer the bill is taken for confessed against them. On consideration thereof it is adjudged, ordered and decreed that the plaintiff recover against the defendant J. M. Gion Administrator of the estate of John Young deceased \$200 00, with legal interest thereon from the 26th day of July 1893, until paid, and the costs of this suit ^{for sum of \$200 00 in} which ^{is a lien} ^{was retained} upon the land mentioned ^{& conveyed} in the deed from George W Young & wife to John Young, a copy of which deed is exhibited with plaintiffs bill, and unless the said sum & costs are paid to plaintiff within 30 days from the ^{adjournment} ~~rising~~ of this Court, then it is further adjudged, ordered and decreed that George W Blankenship, who is hereby appointed a commissioner for the purpose, do proceed to sell the land in said deed mentioned and described or a sufficiency thereof to pay the said sum of \$200 00 and interest thereon, and the costs of this suit and expense of sale, said sale will be made at the front door of the Court house

of this County, on some court day, to the highest
bidder, and on a credit of one & two years^{time},
except the costs of this suit and expense of sale
which will be required to be paid in cash,
and for the deferred payments bonds with
security will be required of the purchaser bear-
ing interest from date. Said Commissioner
before selling will advertise the time terms
and place of sale for at least thirty days by
written advertisements posted at the front
door^{of the Court house} of this County, and in the vicinity of said
land, and will execute bond before the Clerk
of this Court in the sum of \$500 00, Conditioned
according to law, and he will report his
action hereunder to some future term of
this Court, and the Cause is continued.

C. E. Flavery Murree

as } Decree to 1.

as } Milgion Murree etc.

Entered in

Chancery

Order Book

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Prin + int =
\$218 ⁰⁰

Enter this decree.

W. J. M.

Nov 14 1894.

This Deed made this February 5th
day in the year 1881 between George W.
Young and Elizabeth his wife of the
County of Lee and State of Virginia
of the one part, and John Young of the
County and State aforesaid of the other
part, Witnesseth that for and in consid-
eration of the love and affection the
said George W and Elizabeth Young have
for their son John Young, and for
the further consideration of the fol-
lowing conditions to wit, Four hundred
red dollars to be paid by the said John
Young to the two daughters of the said
George W Young & Elizabeth Young to wit;
Fanny Wiley and Edeline Mason,
two hundred dollars to be paid to
each one of them, the same to be paid
after the death of the said George W &
Elizabeth Young, and one hundred &
fifty bushels of corn and twenty five bus-
hels of wheat to be paid annually
by the said John Young to the said Geo-
rge W & Elizabeth Young or either of them
during their lives, corn to be delivered
at some convenient place on the land
thus conveyed and wheat delivered at
said George W Young grainery, corn and
wheat to be paid at the usual
time of gathering corn and threshing
wheat. The said George W. Young and
Elizabeth his wife, do grant bargain

1 and sell and give unto the said John
2 Young a certain tract or parcel of
3 land lying ~~lying~~ and being in the
4 said County of Lee and in the Go Run
5 Station; and including the land where
6 the said John Young and family now
7 live, containing 170 acres or the same more
8 or less bounded as follows to wit:
9 Beginning at a stake on Flanary's line
10 corner to Harvey Young at the old fence
11 row thence with said fence row
12 and with said Harvey Young's line
13 Eastwardly to the Bent Baker fence;
14 thence with said fence southwardly to
15 Campbell's open line; thence Eastwardly
16 to a hollow, thence up said hollow to
17 the conditional line between Spence's
18 lines and the the said George W Young,
19 and with said line Eastwardly to a
20 small buckeye in a hollow, thence
21 up said hollow to a large creek, thence
22 eastwardly to a small buckeye in
23 the hollow below Olisha Bailey's house,
24 thence up said hollow to a Black walnut
25 near a large rock; thence due East to
26 Leytons Line, and with the same South
27 wardly to the top of Malens ridge, and
28 with the same westwardly to Elkana's
29 Flanary's land, and with his lines
30 Northwardly to the Love Lady Road, and
31 with said Road to Charles B Stout's cor-
32 ner at the bars, thence with said Stout's

1 and said Llanary's lines to the beginning,
2 with the following reservations: The
3 said George W and Harvey Young to
4 have a passway through this land to
5 the Love Lady Road, and the said
6 Harvey Young to have the right to bring
7 the water down the hollow from the
8 Spencer Spring in piping or spouts.
9 All the fences at or near ^{all} the lines
10 between the said John Harvey Young
11 shall be partnership fences and to
12 be placed on said lines.

13 The above named passway shall be
14 along as near the present passway
15 with the privilege to the said John
16 Young to put up gates or draw bars
17 across said passway And the said
18 George W. Young and Elizabeth his wife
19 covenant with the said John Young
20 that they will warrant generally the
21 land hereby conveyed. Witness the following
22 signatures and seals. The vendors lien
23 is retained on said land to secure the
24 payment of of the money and grain
25 required to be paid by the conditions
26 of this conveyance

27 George W Young Seal
28 Elizabeth ^{hus} Young Seal

29 State of Virginia County of Lee to wit:
30 I Carr Bailey a Notary Public for
31 the County aforesaid in the state of
32 Virginia do certify that George W. Young

1 and Elizabeth Young whose names are
2 signed to the writing hereto annexed,
3 bearing date on the day of February
4 1881 have acknowledged the same before
5 me in the County aforesaid. The said
6 Elizabeth Young being examined by me
7 privately and apart from her husband,
8 and having the writing fully explained to
9 her: she, the said Elizabeth Young ack-
10 nowned the said writing to be her act,
11 and declared that she had willingly
12 executed the same and does not wish
13 to retract it. Given under my hand this
14 5th day of February 1881

15 Carr Bailey N.P.
16 Virginia Leg. County Court Clerk's office
17 February 23^d 1881 The foregoing deed
18 bearing date on the 5th day of February
19 1881, from George W. Young and Elizabeth
20 his wife of the one part, to John Young
21 of the other part, was this day admit-
22 ted to record upon the certificate of
23 Carr Bailey N.P.
24 Teste John C. Orr D.C.

John Young
George W. Young & wife
Carr Bailey N.P.

Deed
C 100

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*J M Union Administrator
of the Estate of John Young deceased and
Susan B Young, Dora Young & Rosee Young*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against *them* in our said court by *W. C. Flanary*
Administrator of the Estate of Eveline Marion
deceased

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

22nd day of *September* 189*4*, and in the 11 *9th* year of the

Commonwealth.

A Copy Leste
A B Munsey Clerk

C. E. Flannery Adminr

vs. { SUPRENA
IN CHANCERY.

J. M. Zion Adminr

Orr, B & Ewing p. q.

To 1st October Rules,
Circuit Court.

Exeuted Sept the 25. 1884
by delivering an office
copy of the within summons
to J. M. Zion Adminr.

Lucian. Z. Young. Lara
Young and Rocco Young
C. E. Flannery. S. 2. 6